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The evolution of the apprenticeship model in the UK through work-integrated higher education and employer-led standards.

A paper presented at the Association of Law Teachers' Annual Conference: Legal Education for Many at De Montford University 8th – 9th April 2019s.

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Abstract

The integration of higher education through the trailblazer solicitor apprenticeship in England. A new pathway to qualify as a solicitor is explored in this paper. The use of work-based learning is evaluated using social learning theory and the development of the solicitor apprenticeship model. The paper undertakes an exploration of the use of a work-based curriculum to support the solicitor apprentice and the phasing out of the framework apprenticeship and replacement with the employer-led standards.

Introduction

A key characteristic of an apprenticeships is that it is a job. A contract of employment which in recent times has introduced higher education as part of the new form of apprenticeships that are emerging in the UK. These models across the four nations of the UK are at different stages of policy development and implementation. The trailblazer apprenticeship which is currently used in England has provided a new pathway to qualify as a solicitor. It is for this reason that this paper will focus on the solicitor apprenticeship in England, whilst at the same time dealing with the concept of the apprenticeship as a model of learning.

To place the different types of apprenticeships of the four nation states in context the different terminology for each type of apprenticeship is provide below for each apprenticeship pathway.

England: Higher and degree apprenticeships.

Wales: Degree apprenticeships.

Norther Ireland: Higher level apprenticeships.

Scotland: Graduate apprenticeship.

These apprenticeship pathways include different levels of educational provision which range from level 4 to 7 of the Framework for Higher Education for Qualifications in in England, Wales and Northern Ireland. Whereas, in Scotland the apprenticeship level is based on levels 6 to 11 of the Framework for Qualifications of Higher Education.

The first section of this papers explores the concept of the apprenticeship model and the social learning theory that underpins the pedagogical process for the apprenticeship. The second half of the paper examines the development of the apprenticeship model in England. This will deal with the introduction of the trailblazer apprenticeship model and the introduction of employer standards which have replaced

frameworks. The latter section will then deal with the alignment of the trailblazer apprenticeship with the SRA solicitor apprenticeship.

The development of skills and knowledge through the apprenticeship

The apprenticeship model has been used to develop the skills and knowledge associated with various crafts since medieval times (Snell, 1996). It is a model for learning in the workplace which is designed to develop a level of competence to perform work-related tasks (Fuller and Unwin, 2009). It has traditionally been used as a framework for learning a trade which takes place through work-based activities, providing an opportunity for the apprentice to harness and use tacit key skills associated with their occupation. This has serviced the trades of its time by recruiting artisans who would learn their trade under the control of a master craftsman who would demonstrate their experience, knowledge and guidance whilst mentoring the apprentice (Fuller and Unwin 2009 and Snell 1996).

The collaborative activities undertaken by the apprentice, whilst under the control of the master craftsman, is the method used to develop the apprentice's skills and knowledge (Rogoff, 1990). It is these vocational activities which expose the apprentice to their materials and develop their occupational expertise to qualify in their craft (Fuller and Unwin, 2009). This structure is predominately a skills based model which imparts vocational knowledge and transforms the behaviour of the apprentice (Clarke and Winch, 2006).

The personal development of the trade apprentice has been documented by Lave and Wenger (1991) through their conceptual framework which they refer to as legitimate peripheral participation. They saw the apprentice as a newcomer to a community who needed to adopt the values and beliefs of their new environment. This was a personal journey for the apprentice who would join a community and participate in the workplace activities. The apprentice would be introduced to the knowledge and skills needed to practise their trade, whilst under the control of an experienced practitioner (Lave and Wenger, 1991).

Constructing knowledge through a learning environment

The traditional trade apprenticeship demonstrates how an individual may construct knowledge through their experience within the workplace (Lemanski and Overton, 2016). A process whereby the apprentice is actively building upon this knowledge, adding value to their everyday understanding of their working environment. For the apprentice, learning an active process. They are constructing an understanding from previous experiences and new experiences whilst applying their knowledge through work-related activities (Bruner, 1983). Lave and Wenger (1991) embraced this aspect of work-based learning in their research whilst dealing with specific types of occupations such as midwives, tailors, butchers and naval quartermasters. These traditional types of apprenticeships, each with their own personal identity, have their own vocational skills, knowledge and values associated with their craft. These are typical of the types of apprenticeship that focussed on the novice being mentored in the workplace and did not include the use of formal education. This form of apprenticeship was not reliant upon the use of formal teaching in the classroom (Fuller and Unwin, 2003). This model of apprenticeship provided employers with the framework to recruit and train their workforce. This was the approach taken to develop the skills needed for specific occupations and ensure the level of competence within the workplace was maintained and developed.

A sequential learning process

The phrasing, scaffolding refers to support mechanisms which are structured in a way that will support learning to take place. For the apprenticeship model this will involve structured support, within the workplace environment. This should take the form of developmental goals that have been identified and form part of the professional development for the apprentice. This is also referred to as constructivism, whereby you construct (support) the apprentice through a range of in-built mechanism which will provide directed learning. As the apprentices develops the appropriate knowledge and skills you can withdraw (fading) some of the support mechanisms as the apprentice becomes an independent and self-directed in their role.

Vygotsky (1986) used constructivism as the foundation of his argument whilst dealing with educational development. He found that education should be delivered in a

sequence, building upon prior knowledge as you introduced new information. There should be a sequence which will build upon each stage of the learning process. He referred to this as the 'Zone of Proximal Development' (ZPD). Within the apprenticeship model this would position the apprentice within a specific zone and through the direct guidance of the employer, responsible for the apprentice's professional development, the apprentice would be able to move to the next developmental stage. The apprentice is being placed in a participative structure (Rogoff 2003) which should involve directed learning. Through work-based activities the apprentice will then have the potential to develop a level of understanding which will have a direct effect on their behaviour (Rogoff 2003; Lave and Wenger 1991; Billett 2014 & 2016 and McIver 2017). It is the positioning of the apprentice within the working environment, undertaking work-related activities that will create an osmotic learning environment. One in which the apprentice will absorb the knowledge and develop the work-related skills.

The evolution of vocational education and training in the UK

The use of vocational education and training (VET) in many countries has proven to be a success (Fuller and Unwin 2011, p.261). The apprenticeship is used to focus the apprentice on work-related tasks and the development of specific skills. The required skills are developed by participating in their everyday activities within the workplace which is overseen by a professional practitioners (Billett 2016, p.613). It is the qualified practitioner who will be nurturing the personal development of the apprentice. It is, therefore, the employer who will be constructing the learning environment for the apprentice. It will be the employer who will need to arrange the appropriate level of educational provision and construct a work-based learning environment which will develop the level of competency required to qualify as a professional practitioner. It is within this structured framework that this paper is examining the apprenticeship as a model for learning and how it has been adopted to provide a work-based learning pathway.

The work of Lave and Wenger (1991) has been drawn upon as they saw the apprenticeship model as an opportunity for learning to take place within the workplace (1991, p.93). They constructed a theoretical framework where they have shown social

interaction between an apprentice and their co-participants in the workplace creating a learning environment. They believe this is a natural process when there is an interactive role between the learner (apprentice) and their co-participants and this will result in the apprentice developing the appropriate behaviour and skills relating to their profession. This is the challenge set by Lave and Wenger (1991) as their work is asking you to rethink how learning is taking place. They refer to this process as legitimate peripheral participation (1991, p.29). They see the social interaction between the apprentice and their employment as developing the apprentice's role through their work-based relationships. If this is correct then it is integral to the development of the apprentice's knowledge and skills needed to perform their duties within the workplace. Lave and Wenger (1991, p.29) use the phrase "situated learning" which refers to the apprentice's situation, their environment, where they are adopting the mannerisms, culture and business practices within their workplace. This should be instilling the appropriate professional governance. However, without any form of governance in place there is the potential that apprentices will not receive the appropriate workplace training.

The workplace curriculum

The work of Billett (2001) considered the use of a workplace curriculum model to organise and structure the workplace experiences for apprentices. Billett (2001, p.103). He has argued that a workplace curriculum should be devised as this would develop the learning experience for the apprentice. He believes a workplace curriculum would structure the learning process and if this is not in place the apprentice would not reach their full potential. This compliments Lave and Wenger's (1991) framework dealing with legitimate peripheral participation as Billett (2001) is proposing a framework that deals directly with governance and a structured sequence of events based on the individual development of the apprentice. A workplace curriculum which is based upon guided learning through a sequence of tasks. These tasks are built around structured activities within the workplace. This would involve a structured pathway being developed, similar to an academic curriculum which has specific behavioural outcomes but, instead, is centred on work-based activities in the apprentice's place of work. Billett is drawing upon Lave and Wenger's work (1991) as he is also referring "... to structure experience for learners to acquire the knowledge

required for performance at work, it is necessary to identify a pathway of activities that lead from peripheral to full participation in the workplace” (2001, p.105). The apprentice is being placed in a participative structure (Rogoff 2003) which should involve directed learning. Through work-based activities the apprentice will then have the potential to develop a level of understanding which will have a direct effect on their behaviour (Rogoff 2003; Lave and Wenger 1991; Billett 2014 & 2016 and McIver 2017). Learning should be developed through a series of moment-by-moment interactions between the apprentice and co-participants (Rogoff 1990; 1995 and 2003). This will instil a pedagogical work-based curriculum in the working environment; creating a structured learning experience for the apprentice (Billett et al 2004).

The work-based curriculum is but one way to ensure the appropriate standards and training is taking place but with the development of the apprenticeship model there is a need to consider how the apprenticeship is being designed, introduced and delivered to apprentices. The next section of the paper will now consider how government intervention has introduced a variety of apprentices and produced a new form of apprenticeship: the trailblazer apprenticeship in England.

The phasing out of frameworks and replacement with standards

Within the last 30 years the development of vocational education and training (VET) programmes in the UK have been developed through a range of successive government policies. These programmes have been given the label apprenticeship but have not adhered to the original apprenticeship model (Horden, 2015a). Instead, a range of vocational educational pathways emerged and were based on the UK's National Qualification Framework (Fuller, 2016). An example is the Modern Apprenticeship, introduced in 1994 and designed to develop skills at Level 3. This was an apprenticeship based on an exit qualification and accredited by the then Department for Education and Employment (Gray and Morgan, 1998). The design was criticised as it was not developing occupational related skills. It was possible for an apprentice to achieve the qualification whilst not being able to perform their work-related duties (BIS, 2015).

In June 2012 the then coalition government in the UK commissioned Doug Richard to undertake a review of the apprenticeship model in England. Richard was asked to consider the role of the apprentice model; how a new model would accommodate the skills shortage in England and how the government could invest and drive this new model forward (Hancock, 2013, p.3). Therefore, Richard (2012) was tasked with changing the existing apprenticeship model to meet the demand of a skills shortage. He found that previous government intervention had diminished the relationship between the employer and apprentice. He proposed that the apprenticeship model should be constructed by the employer who should identify the specific skills needed to be developed in order to produce a competent professional employee (2012, p.7). Whereas the role of the government should be to maintain the quality of the apprenticeship but leave the development and content of the apprenticeship to the employer. His recommendations are encapsulated in the following statement:

'... the new apprenticeship qualifications at the heart of my recommendations focus solely on setting out, in terms relevant and meaningful for employers, what an apprentice should be able to do and know at the end of their apprenticeship. ... to teach new knowledge and skills, and demonstrate to future employers that an apprentice can do their job. These new apprenticeship qualifications should replace today's apprenticeship frameworks. They should be set by those who know best: employers. ... The solution lies in shifting the power over designing and developing apprenticeship qualifications to employers in a far more direct and transparent way than at present, whilst giving Government a clearer role in defining what a good quality standard looks like.' (Pp.6-7)

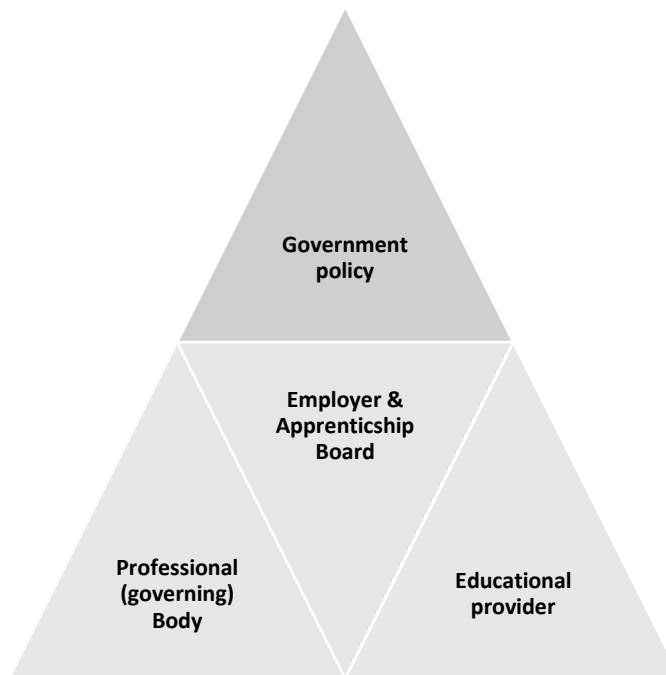
These recommendations have been implemented and apprentices are now enrolled against an apprenticeship standard which is produced by the employer who also produces an assessment plan. The task of overseeing the quality of the apprenticeship standard and assessment plan is undertaken by the Institute for Apprenticeship Board. A Board set up by the UK government to oversee the quality of new apprenticeships. The Institute for Apprenticeship Board's remit is to ensure any new trailblazer apprenticeship is designed by an employer in collaboration with any professional (governing) body and is at the appropriate standard. This approach is embraced by Antony Jenkins, the current Shadow Chair of the Board who has

acknowledged the need to reform the apprenticeship model in England and this was made clear in his statement in January 2017:

'... For too long this country [UK] has under invested in skills and subsequently we've lost the support, and confidence, of employers and apprentices along the way. ... we have the funding in place, a broad agenda of skills reform offering the opportunity to achieve comprehensive and coherent change, and a plan to embed employers within the decision-making structure of the Institute.' (Institute for Apprenticeships, p.2)

This statement makes it clear that employers will be at the centre of the decision making process when it comes to identifying and designing the standards that are linked to a specific apprenticeship.

Employers will select the higher educational institution who is able to deliver the knowledge needed to accommodate the assessment plan. Whereas the role of the Institute for Apprenticeship Board will be to review and approve the assessment plan. This design is reflecting the dual apprenticeship model used in Germany which gives employers the opportunity to identify the required standards and underpinning knowledge required for a specific profession. This involves a collaborative approach between vocational schools and various businesses or professions. The diagram below illustrates where the parties (stakeholders) sit in the developmental structure of the trailblazer apprenticeship model in the UK.



The diagram (above) places the government at the top of this relationship as it is initially driven by government policy. Whilst the employer and Institute for Apprenticeship develop and maintain the apprenticeship standards, as well as reviewing and approving the assessment plan. The professional bodies, who govern professional standards, will have a direct input to the level of competency needed to qualify within a particular profession. It is only at the end of this hierarchical chain does the role of the educational provider come in to play. Yet, it will be for higher educational institutions to take up the reins and support this government initiative.

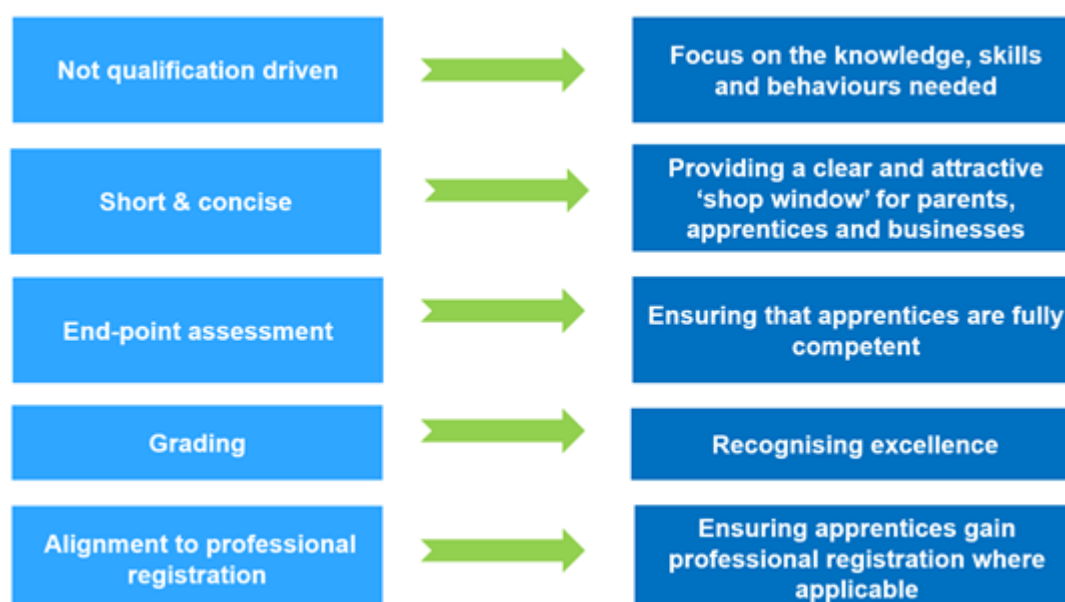
The underlying principle of the trailblazer apprenticeship model is standards that will contain a succinct list of the skills, knowledge and behaviours (SKBs) the apprentice will need to develop in order to qualify. These standards will need to be written by the employer and/or the professional body who is responsible for a specific profession, such as solicitors. In this paper, the focus is on the trailblazer solicitor apprentice in England. An apprenticeship model which is subject to these new standards, created by the Solicitors Regulatory Authority (SRA) who govern solicitors in England and Wales. Prior to the implementation of the trailblazer apprenticeship in England apprenticeship were based on a level of difficulty which was aligned with educational framework qualifications. Higher Educational levels were introduced in to the

framework as a means to measure occupation competence for levels 4 to 8. The Institute for Apprenticeships has produced a table of levels descriptors which are designed to make it easier to determine an accurate level for each apprenticeship standard and to align it with the overall qualification level.

What are standards?

Apprenticeship standards are produced by the trailblazers who are made of employers and professional bodies associated with a specific trade or profession. They create the occupational profile which is directly linked to the knowledge, skills and behaviours (KSBs) that will demonstrate the appropriate level of competence in a particular profession. The standards will outline how an apprentice will be able to demonstrate the appropriate level of knowledge and skills at the point of qualifying.

The implementation of standards is directly linked to the Richard Review (2012) which placed employers in the position to determine the standards. Below is a diagram taken from the Institution of Apprenticeship Standards website which they say illustrates the benefits of a standard, as compared to the framework structure which is being phased out.

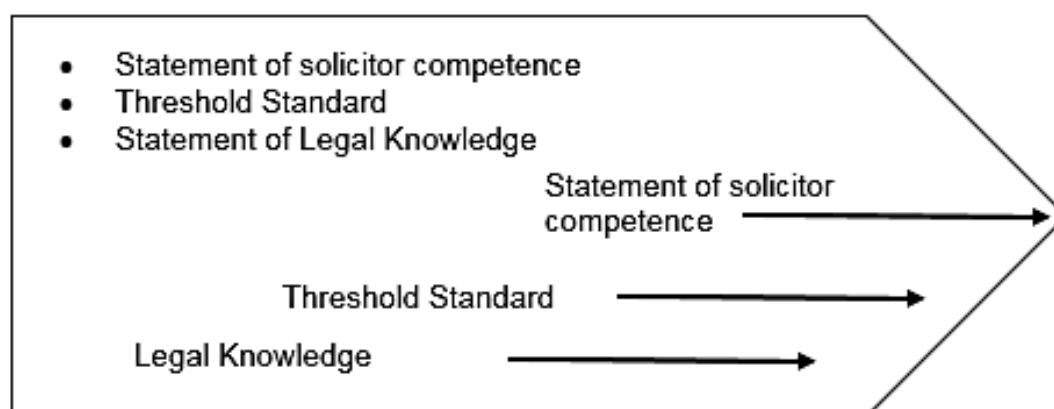


Taken from: The Institute for Apprenticeships and Technical Education (2019) *What is an apprenticeship standard*, available at:

<https://www.instituteforapprenticeships.org/developing-apprenticeships/what-is-an-apprenticeship-standard/> [Accessed 6th April 2019].

The SRA Statement of Solicitor Competence – threshold standards

The threshold standards set by the SRA which link directly to their Statement of Solicitor Competence has been used to set the standards for the trailblazer solicitor apprenticeship. They are aligned directly with the SRA's Competence Statement which is compartmentalised in to three sections: Statement of solicitor competence; Threshold standard, and Statement of legal knowledge. The diagram below illustrates the stages taken and how these three distinct area are sub-divided within the Competence Statement:



Taken from: Fletcher, R. (2016) at page 379.

Below, highlighted in yellow, are the threshold standards **expected of a solicitor (and solicitor apprentice) at level 3 which must be demonstrated at the point of qualifying**. This has been taken from the Solicitors Regulatory Authority Website (2017)

3	Identifies the legal principles relevant to the area of practice, and applies them appropriately and effectively to individual cases'.	Acceptable standard achieved routinely for straightforward tasks. Complex tasks may lack refinement.	Achieves most tasks and able to progress legal matters using own judgement, recognising when support is needed.	Able to deal with straightforward transactions, including occasional, unfamiliar tasks which present a range of problems and choices.	Understands the significance of individual actions in the context of the objectives of the transaction/strategy for the case.	Uses experience to check information provided and to form judgements about possible courses of action and ways forward.	Threshold Standard required at qualification
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End-point-assessment

The determination of the knowledge, skills and behaviours that must be demonstrated by the apprentice is through an end-point-assessment (EPA). Every trailblazer apprenticeship, constructed around standards must have an independent assessment point. It is the EPA that will determine whether the apprentice is competent to qualify. For the solicitor apprentice the EPA will be the SQE part 1 and 2.

The design of the Trailblazer Solicitor Apprenticeship

The solicitor apprentice will be entitled to 20% off-the-job training (QAA, 2018). The design and delivery of how educational provision is and will be provided during off-the-job training needs to be explored in more depth by higher educational institutions. This is an emerging marker which has not yet been fully established and needs time to mature. A small number of higher educational institutions are currently accommodating the trailblazer solicitor apprentices in England. However, how they align their educational curriculum with a work-based curriculum is something that needs to be developed. At the time of writing the educational provision for would be solicitors is being reviewed by higher educational institutions within England and Wales as a direct result of the radical changes being imposed by the Solicitors Regulatory Authority. Many higher educational institutions in England and Wales are still in the process of reconstructing their curriculum to accommodate the range of pathways, which will include the solicitor apprenticeship. It is with this in mind that this paper will need to consider how higher educational institutions are developing their curriculum to support the solicitor apprenticeship and how off-the-job training is aligned with the apprentice's work-based learning.

The development of off-the-job educational provision and the work-based learning will need to develop a range of skills and legal knowledge. The standards instilled in the trailblazer solicitor apprenticeship have made it clear that the apprentice will need to develop, demonstrate and be assessed on a number of standards which have been aligned with the SRA's threshold standards. For example, the following standards have been identified:

1. The apprentice will be expected to take responsibility for the legal advice they provide to their clients.
2. They will need to act in an ethical (moral) manner whilst making decisions and various judgements.
3. Whilst undertaking their workplace duties they will be expected to undertake, develop and process a range of legal matters and transactions. This will involve the application of legal knowledge whilst dealing with commercial matters.
4. The apprentice will be expected to demonstrate interviewing and adversarial skills.
5. Communication skills will need to be developed in order to draft documentation and liaise with a range of clients.
6. Whilst developing these skills and acquiring the underpinning knowledge the apprentice will need to manage themselves and their own work in an efficient manner.

It is how these demands placed upon them in the workplace are structured and managed will need to be carefully thought out and devised. The design of the solicitor apprenticeship has been put in place but the way it is to be delivered and what takes place inside the apprenticeship agreement is unknown. There is no data recorded dealing with the experience of the trailblazer solicitor apprentice. This is an emerging apprenticeship and this paper is examining the design and delivery of this form of work-based learning model.

The day-to-day work of the solicitor apprenticeship

This section of the paper provides an insight in to the experience of the day-to-day work of the solicitor apprentice. Qualitative data was produced using a small study which consisted of a sample of 2 solicitor apprentices. The apprentice(s) had been asked to explain why they had chosen to follow the apprenticeship route instead of the traditional pathway to qualify as a solicitor.

There was a similar response from both apprentices but the main theme that appeared was tuition fees. One apprentice stated “*There’s no debt which means that it ... there’s no Uni debt as everything is paid for by the firm*”. Tuition fees is an undeniable barrier for individuals who have to pay their own tuition. This emerged during the interview

and was expressed on numerous occasions by the apprentices. One apprentice explained why they had chosen the apprenticeship routes: *“The money. The fact that you don’t have to pay for ... to get your degree. And they pay us quite a good wage actually for apprentices and it’s the experience”*. The cost of undertaking a three year law degree in England and Wales is likely to cost students in the region of £9,000 for each academic year. Under the current (traditional pathway) system they have to take the Legal Practice Course (LPC) and the fee for this one year course is in the region of £10,000-£15,000. Then there is the living expenses, such as rent and this will vary depending on where a student decides to undertake their study (Fletcher, 2016). This was seen as a barrier for the solicitor apprentices who stated:

So, I left school when I was 18. I had done my A Levels and I decided University was too expensive and that I had enjoyed part-time work and earning my own money. ... I also didn’t want to miss out on education so I thought doing an apprenticeship would be the best of both worlds really.

So I wanted to get in to the legal industry but I was really apprehensive about going to Uni and incurring the debt. Because, especially when the fees went up to £9000 per year ...

These statements demonstrate that tuition fees for these two apprentices were a barrier to entering higher education and qualify as a solicitor. For them, they did not see the traditional route as an opportunity to qualify and practise as a solicitor. The traditional route, such as obtaining a Qualifying Law Degree (QLD), passing the Legal Practice Course (LPC) and then obtaining a two year training contracts was not seen as possible for these two apprentices. This is a common problem for many law graduates and is illustrated in the Law Society’s statistics for 2016 (April 2017). They indicate a growing discrepancy between law graduates and the number of places to train and qualify as a solicitor.

One of the apprentices expressed some concern about their personal circumstances and background. This apprentice felt their background was a barrier to qualifying as a solicitor and this is reflected in the following statement:

... so for someone like me not from a great background and a lot of people I went to school with it does seem like a viable option [the solicitor apprenticeship] as in you can ... a lot of people go to Uni but I don't think they think how it is going to affect them financially in the future.

The work of Hultberg et al (2008) discusses the linkage between an individual's background and educational attainment. They claim that a student's social background has a direct effect on the transition from studying at school and how they develop as students if they enter higher. The trailblazer solicitor apprenticeship model may address social mobility, as in this case, the apprentice's perception of their ability to go to university has been overcome through the apprenticeship pathway. At this juncture additional data will need to be developed to support this part of the research.

When it came to how these apprentices viewed their roles and their personal identity there was a mixed response that emerged. The following statements revealed the distinction:

On my signature it will be legal apprentice and there's a stigma around the word apprentice that you don't know what you're doing. And I have been doing this job for nearly four years so I do know what I'm doing and it is difficult to convey to people that haven't had the solicitor apprenticeship route. So we are actually getting a law degree alongside it and we do have a legal knowledge. And also there is still the trainee solicitor, the usual route you would go through and it is difficult because they say we do exactly the same role ... there is a perceived difference in whether you are a trainee or an apprentice. Even though we do the same thing and I think trainees are more highly thought of and it is difficult when I have conduct of a file and then my opponent is a qualified solicitor they automatically think they have one up on you when they see the job title apprentice. ... That we are still perceived as apprentices, rather than trainee solicitors. But I do think that is something that will change the more people learn about the apprenticeship route.

So a lot of the time they will treat you or view you as a trainee. I think with some people that's because some people are not entirely sure what a solicitor apprentice is. But it's good because it means you get ... a higher level of responsibility than I initially assumed I would get when I started. But at the same time they do appreciate that you are an apprentice so that means you may not be doing the same as a trainee does and they get that

you need time off to study and they'll also understand that they might need to explain things in more detail when they are setting a task or give you a bit more time just because you might not ... say with a contract if you haven't studied all of contract law yet.

The data from both participants suggested that the work-based learning route is providing an opportunity to qualify but there was a mixed perception when dealing with the way their role was seen in the workplace. .

Work-based learning curriculum

There was a notable difference between the working environment and structured pathway for these two apprentices when it came to the development of knowledge and skills in the workplace. There did not appear to be a work-based curriculum, such as the one suggested by Billett (2001). This was explored with the apprentices and they had different responses. One apprentice states:

It's difficult for them to provide me with a structure because at the end of the day it is, it's a business and an office so they can't ... it's depending on how many staff members we have, like who's off sick, who's on annual leave. I am still a member of a team. I'm not just ... they don't just treat me as, like an apprentice and they don't make that a priority, making sure that I'm learning consistently with what I'm learning at law school. I have to be a team member really and to cover other peoples' work when they are off and things like that. So sometimes a devised structure just wouldn't be achievable.

The second apprentice interviewed had a different experience and responded to the same question by saying:

So, we have a day off to study every week which I think is a government requirement that you get 25% of your work-time as study time. So work-based learning is supporting my development because we ... one of the things that happens in the firm is we have internal training sessions in the department. So we get trained about every time we start a new seat [a new department/subject] as well about the kind of work that we might be expected to cover and how to draft certain pieces of work that you might be expected to do on a day to day basis. And you always have associates

and partners who are willing to answer your questions about any work you might be doing or the area of law. And you also have access to the library for your research.

It was good to have these comparisons to consider as they demonstrate different structures in the workplace. Both apprentices were keen to express how they were developing through their work-based experiences but it was evident that their internal work-based structures were different. When the apprentices were asked how they develop their learning within the workplace they responded:

The more you progress the more responsibilities you get. ... I actually think I've been really lucky to sort of come in to the workplace and be given actual proper legal work because I've known friends who are apprentices at other law firms who like after two or three years they were still doing mainly admin tasks.

Whereas, when the same question was developed with the second apprentices who responded by saying:

What happens in the first four years of six years we rotate departments every year. Then in the final two years ... they rotate every six months like the trainees do ... So a lot of the time they will treat you or view you as a trainee.

This demonstrated a notable differences in the way these two apprentices were experiencing their training and how they developed their professional skills. In the first interview it appeared that the apprentice was acquiring the skills and depth of knowledge dealing with civil litigation. The level of training and experience in the workplace had been ongoing for approximately two years. There was no mention of rotation or being exposed to different areas of the law within the workplace, such as commercial law, property law or criminal law. Whereas, the second apprentice appeared to be following the traditional trainee solicitor contract pathway. This involves being rotated in different areas (often referred to as seats) of legal practise such as commercial law, civil litigation, criminal law and property law. This was

distinctly different from the other Apprentice who was in one department and developing the skills and knowledge dealing only with civil litigation.

The SRA solicitor apprenticeship framework is still in the developmental stage, such as the SQE assessments have yet to be taken. It is envisaged that the majority of employers (trainers) will make provision for the apprentice to have day-release to attend university and read for a degree in law. If higher educational institutions subsume the requirements of the SQE 1 in to their law degree this will then align with the requirements of the content and assessment for this part of the end-point-assessment.

The SRA (under their new structure) will no longer specify the training, or subject matter, that needs to be undertaken by the employer (trainer). This is a fundamental change from the previous pathway for trainee solicitors. For example, under a training contract (through the traditional pathway) the trainee, after graduating and passing the LPC, would undertake training (workplace experience) in specific areas in order to qualify as a solicitor. This does not appear to be the case for the solicitor apprentice. Instead, the SRA have provided guidance saying the training provider (employer) need only follow and demonstrate the solicitor apprenticeship assessment plan by passing both stages of the SQE assessments (SRA 2016b and 2017d). The assessment plan has been approved by the Institute of Apprenticeships which ensures standards of apprenticeships are maintained (2015). The threshold standards set by the SRA are fundamental requirements that must be met in order to qualify. The standards are met by passing SQE1 and SQE2. This was discussed with the apprentices and their responses suggest there is limited information provided in regards to the standards both in their workplace and in their study at University. This was evident from the following statements made by both apprentices:

From a work perspective we haven't had any material about it [Threshold Standards]. We have an on-going portfolio. It is based on that SRA competencies. We have to show how we demonstrated it and documentary evidence as well. I will be able to show where I did something and how it matches the standards expected.

I haven't had a proper look at the standards of competences. I actually think we might be able to present ourselves fairly competent because we will have been in the actual workplace for at least four years [before taking the SQE1].

These statements suggest the solicitor apprentices are not being focussed on the threshold standards which need to be demonstrated by passing the SQE 1 and 2. This also reflects earlier concerns dealing with the SRA's governance and no requirement to set a work-based curriculum for the employer (trainer) to follow.

The apprentices were asked about their development dealing with their professional skills to practise law. They were asked to explain how they acquired these skills. Their responses produced a number of answers:

Having worked at [name of legal firm] for a number of years I understand certain procedures ... like, how to respond in a certain way. I know who to talk to for different things and when to ask for help.

That you get used to and you learn how to write a professional email, take phone calls properly. Just, how to carry yourself at meetings.

Conclusion

The fusion of work-based learning, alongside reading for a degree is not unique in itself. However, the expansion and speed at which higher and degree apprenticeships have been introduced is placing pressure on higher educational institutions who were neither party to the policy making process nor the educational and work-based standards of the apprenticeship. Higher educational institutions need to reposition themselves. They are currently being led by government policy and the SRA who are dictating the re-design of the curricula in higher educational institutions. In this instance the designing, implementing and delivery of higher educational provision is essential when considering any changes to the curricula, or introducing a new structure such as the apprenticeship model. Higher educational institutions need to be part of the decision making process in order to put in place the necessary teaching,

learning and training provisions that are needed to support the upcoming changes. Whilst information and forums are being set up to discuss the implementation of the degree apprenticeship there has been little or no engagement with higher educational institutions to shape and design the apprenticeship pathway. Instead, stakeholders such as professional bodies and employers are designing the standards expected from the solicitor apprenticeship

The introduction of the apprenticeship through the higher and degree pathways need time to adjust and be accepted. If the trailblazer solicitor apprenticeship is going to provide a real opportunity for those who wish to undertake a solicitor apprenticeship this will need all stakeholders to engage with work-based learning. Employers and higher educational institutions will need to put in place the educational and work-based curriculum that will support these apprentices and prepare them for the end-point-assessment.

There needs to be a stronger collaboration between employers and higher educational institutions in order to fuse together the apprenticeship pathway. This is the key factor which will determine the success of the apprenticeship, as a model of learning. This will foster the apprenticeship as a progressive model of learning which will nurture the learning process in the classroom and within the working environment. This is supported by the work of Fuller and Unwin (2011) who argue that the apprenticeship model is constantly changing and evolving to meet the demands placed upon industry and professional bodies within the UK. This is a real opportunity for the apprentice to engage and develop their skills and supplement their knowledge whilst reading for a degree. This also supports the argument that the social interaction within the working environment provides an opportunity for the apprentice to assimilate the language, knowledge, skills and transform into a competent, professional person.

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